IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1032 (S/S) 2006

Puran Chandra Pandey
(Serving Patwari in Tehsil Pithoragarh,)
Village Baraita, P.O. Balgari,
Patti – Thal, District Pithoragarh. .....Petitioner.

Versus

1. Government of Uttarakhand through
   Revenue Secretary , Dehradun,
2. The District Magistrate, Pithoragarh, ...Respondents.

Sri Gopal Dutt Joshi, learned counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/ respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Gopal Dutt Joshi, learned counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/respondent.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i) Issue a writ, order or direction in the nature of certiorari to quash the impugned suspension order dated 13.07.2006 passed by respondent no. 2 directing them to re-transfer the aggrieved petitioner to Patti Chandak as per existing Govt. Transfer Policy within a month,

ii) Issue a writ, order or dirction which this Hon'ble Court may deem fit and proper under the circumstances of the instant case,

iii) Award the cost of the petitioner to the petitioner.

The petitioner, who was working as Patti Patwari Igyadevi and was also holding additional charge of Patti Gogana, was placed under suspension vide order dated 13.072006. This Court on 28.07.2006 has stayed operation of impugned suspension order, however, the respondents were directed to proceed further with the inquiry initiated against the petitioner.

A short counter affidavit has been filed by the respondent no. 2. Today, the petitioner, alongwith the urgency application has filed the final order dated 29th January 2007 passed by the Disciplinary Authority by which the authority has awarded punishment of one adverse remark to the petitioner to be incorporated in his service records. Although, the petitioner has been reinstated.

So far the part of relief no. 1 sought by the petitioner to the effect that the respondent no. 2 directed to re-transfer the petitioner in Patti Chandak as per the existing Govt. transfer policy is concerned, this Court cannot grant such relief, as it is the prerogative of the employer to make transfers or to recall the same.

Keeping in view the aforesaid final order passed in the inquiry, no further order is required to be passed in the writ petition. The petition, thus, is disposed of accordingly.

(M.M. Ghildiyal, J.)

April 5, 2007:
NCM: